

Translation

PATENT COOPERATION TREATY

PCT/DE2003/002666



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ACDPA5160PWO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002666	International filing date (day/month/year) 15 August 2003 (15.08.2003)	Priority date (day/month/year) 16 August 2002 (16.08.2002)
International Patent Classification (IPC) or national classification and IPC G06F 17/60		
Applicant DEUTSCHE POST AG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>8</u> sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 10 March 2004 (10.03.2004)	Date of completion of this report 27 December 2004 (27.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 3-17 _____, as originally filed
pages _____, filed with the demand
pages _____ 1,2,2a,2b _____, filed with the letter of _____ 06 October 2004 (06.10.2004)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-3 _____, filed with the letter of _____ 10 March 2004 (10.03.2004)
- ☒ the drawings:
pages _____ 1/6-6/6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: WO 02/50705 A (MARKETING PTY LTD U; BEST PHILIP (AU); OXLEY RICHARD (AU)), 27 June 2002 (2002-06-27)

D2: US-A-6 047 264 (KAPLAN SAMUEL JERROLD ET AL), 4 April 2000 (2000-04-04)

The features of the newly submitted claim 1 cannot all be found in the original version of this claim, such as "the information depends on events within the mailing system". Claim 1 thus does not meet the requirements of PCT Article 34(2)(b).

Although the application contravenes PCT Article 34(2)(b), a reasoned statement under PCT Rule 66.2(a)(ii) with regard to inventive step (PCT Article 33(3)) is established, as follows:

The solution proposed in claim 1 of the application cannot be considered inventive (PCT Article 33(3)) for the following reasons:

The examiner agrees that the application relates to the integration of an electronic parcel mailbox installation

in a mailing system and that this leads to novel situations, for example a situation in which the mail recipient does not know that mail has been sent to him. However, independent claims 1 and 3 do not contain any clear features related to these situations. Moreover, the applicant has removed the expression "to an electronic parcel mailbox installation" from the characterising part of claim 1.

In the opinion of the examiner, the other arguments put forth by the applicant are not convincing either, for the same reasons.

The examiner is also of the opinion that the present application relates to a purely event-controlled messaging system and that such systems are generally well known (see, for example, document D2) and could easily be adapted to each specific situation without requiring an inventive input.

Document D2 describes a method and a system for transmitting messages to users of a logistic system (abstract), in which system various events within the logistic system generate corresponding messages which are sent to the users (column 2, lines 14-18). A storage module (CRC) is a well known technical measure for temporarily storing a series of orders. Although D2 does not state that the events are sorted into classes (column 2, lines 14-18), the description of the application does not indicate any further effect of this arrangement into classes, so that this arrangement does not appear to solve any (technical) problems. The solution known from D2 can therefore be applied *mutatis mutandis* to electronic parcel mailbox installations of the type defined in claim 1, without any inventive input (PCT Article 33(3)).

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Modules which generate messaging orders by means of templates are well known; see, for example, document D1 (abstract). For this reason, the subject matter of dependent claim 2 also lacks an inventive step (PCT Article 33(3)).

The device as per independent claim 3 relates to well known software and hardware structures from which a person skilled in the art would choose according to the circumstances in order to solve the problem in question, without being inventive.